



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**  
**Article Number: 7019 1120 0002 0279 0904**

Mr. Robert A. Simpson, President  
A. Hyatt Ball Co., Ltd.  
1 School Street  
Fort Edward, NY 12828

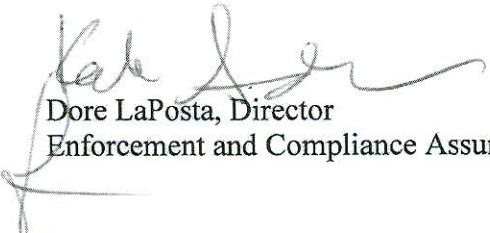
Re: A. Hyatt Ball Co., Ltd.  
Docket No. ORDER CWA-02-2020-3304

Dear Mr. Simpson:

Enclosed is an executed Consent Order which settles the above-referenced Administrative Complaint.

Any questions should be directed to Ms. Alia Roufael, Water Compliance Branch at (212) 637-3864.

Sincerely,

  
Dore LaPosta, Director  
Enforcement and Compliance Assurance Division

Enclosure

cc: Karen Maples, Regional Hearing Clerk  
Edward Hampston, Director, Bureau of Water Compliance programs, NYSDEC

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 Broadway  
New York, NY 10007-1866

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U.S. Environmental  
Protection Agency-Reg 2

**IN THE MATTER OF:**

A. Hyatt Ball Co., Ltd.  
1 School Street  
Fort Edward, NY 12828

**Respondent**

Proceeding pursuant to Section 309(g) of the  
Clean Water Act, 33 U.S.C. § 1319(g)

**CONSENT AGREEMENT AND  
FINAL ORDER**

**Docket No. CWA-02-2020-3304**

**I. PRELIMINARY STATEMENT**

The Complainant in this proceeding, the Director of the Enforcement and Compliance Assurance Division, Region 2, United States Environmental Protection Agency ("EPA" or "Complainant"), issued a "Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty and Notice of Opportunity to Request a Hearing" ("Complaint") to A. Hyatt Ball Co., Ltd. ("Respondent") on **OCT 29 2019** ; and

Complainant and Respondent (collectively, "the Parties"), having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order ("CA/FO" or "Agreement") without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

**II. PROCEDURAL AND FACTUAL FINDINGS**

1. The following Procedural and Factual Findings are made pursuant to the authority vested in the Administrator of the EPA by the Clean Water Act, 33 U.S.C. § 1251 *et. seq.* ("Act"), which authority has been duly delegated to the Regional Administrator of EPA Region 2, and since further re-delegated to the Director, Enforcement and Compliance Assurance Division, EPA Region 2.
2. EPA is concluding this proceeding for the assessment of a civil penalty, pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), and 40 C.F.R. §§ 22.18(b)(2) and (3) of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("CROP"), which sets forth procedures for conclusion of administrative civil penalty assessment proceedings through issuance of a consent agreement and final order.



3. EPA initiated this proceeding to achieve compliance with the Act pursuant to Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A).
4. The Complaint alleges a violation of Section 308 of the Act for failure to meet the General Pretreatment Regulation's reporting requirements at Respondent's facility located at 1 School Street, Fort Edward, New York where it operates, among other things, phenolic ball manufacturing operations. Specifically, Respondent is in violation of the requirements at 40 C.F.R. § 403.12(e), which was established pursuant to Section 308(a) of the Act, by failing to submit the required Periodic Reports on Continued Compliance due in December 2018 and June 2019; and by failing to submit all information requested in the 2019 Order.
5. This action was public noticed between NOV 27 2019 and DEC 27 2019. No comments were filed.
6. Respondent has not filed an Answer or requested a hearing pursuant to 40 C.F.R. Part 22.
7. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint.
8. Respondent waives any defenses it might have as to jurisdiction and venue, and, without admitting or denying the factual allegations contained in the Complaint, consents to the terms of this CA/FO.
9. Respondent hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.

### **III. CONSENT AGREEMENT**

1. The Paragraphs above are re-alleged and incorporated herein by reference.
2. EPA and Respondent agree that it is in the public interest to resolve the issues alleged in this Consent Agreement without further litigation and the expense and effort that litigation entails.

Based upon the foregoing and pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), and the CROP, it is hereby agreed by and between EPA and Respondent, and Respondent voluntarily and knowingly agrees as follows:

#### **A. SETTLEMENT TERMS**

3. For the purpose of this proceeding, Respondent admits the jurisdictional allegations of this CA/FO and neither admits nor denies the factual allegations contained herein.
4. Respondent further waives its right to contest the allegations, at a judicial or administrative hearing, or to appeal this CA/FO.
5. Respondent consents to the payment of the civil penalty in the amount of **Three Thousand and Three Hundred Dollars (\$3,300)**, as stated in the Payment of Civil Penalty Section below.

